

Susan E. Coleman (SBN 171832)
E-mail: scoleman@bwsllaw.com
Lauren S. Dossey (SBN 244887)
E-mail: ldossey@bwsllaw.com
BURKE, WILLIAMS & SORESENSEN, LLP
444 South Flower Street, 40th Floor
Los Angeles, California 90071-2942
Tel: 213.236.0600 Fax: 213.236.2700

Attorneys for Defendant
CALEB GARCIA ALAMILLA

HYDEE FELDSTEIN SOTO, City Attorney (SBN 106866)
DENISE C. MILLS, Chief Deputy City Attorney (SBN 191992)
KATHLEEN KENEALY, Chief Assistant City Attorney (SBN 212289)
CORY M. BRENT, Senior Assistant City Attorney (SBN 115453)
TY A. FORD, Deputy City Attorney (SBN 218365)
200 North Main Street, 6th Floor, City Hall East
Los Angeles, CA 90012
Tel: 213.978.6900 Fax: 213.978.8785
Email: Ty.Ford@lacity.org

Attorneys for Defendant CITY OF LOS ANGELES

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

ALEXANDRA RASEY-SMITH;
GORDON GENE MACCANI; and
JANET MACCANI,

Plaintiffs,

v.

CITY OF LOS ANGELES; CALEB
GARCIA ALAMILLA; and DOES 2-
10, inclusive,

Defendants.

Case No. 2:24-cv-03265-MWC-SSC

**DEFENDANTS' NOTICE OF
MOTION AND MOTION FOR
PARTIAL SUMMARY JUDGMENT**

*Filed concurrently with Separate
Statement of Uncontroverted Facts and
Conclusions of Law; Declaration of C.
Garcia Alamilla; Declaration of C.
Chomuk; and [Proposed] Order*

Judge: Hon. Michelle Williams Court
Date: December 26, 2025
Time: 1:30 p.m.
Crtrm: 6A

Trial Date: April 6, 2026

TO THE HONORABLE COURT, ALL PARTIES, AND TO THEIR
ATTORNEYS OF RECORD:

1 PLEASE TAKE NOTICE that on December 26, 2025, at 1:30 p.m., in the
2 above-entitled Court, located at 350 West First Street, Los Angeles, California
3 90012, Defendants CITY OF LOS ANGELES (“City”) and CALEB GARCIA
4 ALAMILLA will and hereby do move this Court, in accordance with Federal Rules
5 of Civil Procedure, Rule 56(a), for an order granting partial summary judgment in
6 their favor and against Plaintiffs as to the following claims on the basis that there is
7 insufficient evidence to create a genuine dispute as to any material fact:

8 1. Plaintiff’s first cause of action for excessive force under 42 U.S.C. §
9 1983 against Officer Garcia Alamilla lacks merit because his use of force was
10 objectively reasonable as the decedent, Jason Maccani (“Maccani”), threatened the
11 responding officers with an object that reasonably appeared to be a knife as he was
12 charging towards them.

13 2. Plaintiff’s second cause of action for denial of medical care claim under
14 42 U.S.C. § 1983 lacks merit because the uncontroverted evidence shows that
15 immediately after securing Maccani, within just over a minute after the shooting,
16 officers called for medical assistance and rendered medical aid until it arrived.

17 3. Plaintiffs’ third cause of action for deprivation of substantive due
18 process under 42 U.S.C. § 1983 lacks merit because Plaintiff Alexandra Rasey-
19 Smith lacks standing and the conduct of Officer Garcia Alamilla does not “shock the
20 conscience” in that he did not act with a purpose to harm unrelated to legitimate law
21 enforcement objectives.

22 4. Officer Garcia Alamilla is entitled to qualified immunity because (1) he
23 did not violate Maccani’s constitutional rights; (2) any mistakes of fact or law
24 Officer Garcia Alamilla may have made were reasonable; and (3) his actions did not
25 violate clearly established law.

26 5. Plaintiff’s claim for battery (fourth cause of action) should be
27 dismissed because Officer Garcia Alamilla used objectively reasonable force based
28 on the facts and circumstances confronting him.

1 6. Plaintiff's Section 52.1 claim (sixth cause of action) against Officer
2 Garcia Alamilla lacks merit because (1) there is no evidence that he violated any
3 constitutional right of Maccani's; and (2) there is no evidence that he acted with the
4 requisite specific intent to violate any of Maccani's constitutional rights.

5 7. Plaintiff's claim that the City of Los Angeles is variously liable for
6 Officer Garcia Alamilla's alleged violation of Section 52.1 fails because Plaintiff
7 cannot establish the Section 52.1 claim against him.

8 8. Plaintiff Alexandra Rasey-Smith lacks standing to recover for battery,
9 negligence, or violation of the Bane Act in her individual capacity.

10 This Motion will be based upon this Notice, the attached Memorandum of
11 Points and Authorities, the Separate Statement of Uncontroverted Facts and
12 Conclusions of Law, the Declarations of Caleb Garcia Alamilla and Colin Chomuk,
13 the papers and pleadings on file in this matter, and on such further oral or written
14 argument as the Court may consider at or prior to the hearing on this matter.

15 This Motion is made after the Parties attempted to informally resolve the
16 issues presented herein, in compliance with Local Rule 7-3. After meeting and
17 conferring regarding the substance of this Motion, the Parties were unable to finalize
18 an agreement on Plaintiff's claims that would obviate the need to file the instant
19 motion.

20 Dated: November 7, 2025

BURKE, WILLIAMS & SORENSEN, LLP

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22
23 By: /s/ Susan E. Coleman

Susan E. Coleman

Lauren S. Dossey

Attorneys for Defendant

CALEB GARCIA ALAMILLA

1 Dated: November 7, 2025

LOS ANGELES CITY ATTORNEY

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3
4 By: /s/ Ty A. Ford

5 Ty A. Ford

6 Attorneys for Defendant CITY OF
LOS ANGELES

7 **ELECTRONIC SIGNATURE CERTIFICATION**

8 I, Susan E. Coleman, hereby attest that all other signatories listed, and on
9 whose behalf the filing is submitted, concur in the filing's content and have
10 authorized the electronic filing.
11

12 Dated: November 7, 2025

BURKE, WILLIAMS & SORESENSEN, LLP

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14
15 By: /s/ Susan E. Coleman

16 Susan E. Coleman

17 Lauren S. Dossey

Attorneys for Defendant

18 CALEB GARCIA ALAMILLA
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